

**DOCKET FOR REGULAR COUNCIL MEETING OF  
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**DOCKET FOR REGULAR COUNCIL MEETING OF  
TUESDAY, OCTOBER 2, 2001 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**  
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**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

ITEM-1:                      ROLL CALL.

ITEM-10:                    INVOCATION.

ITEM-20:                    PLEDGE OF ALLEGIANCE.

**SPECIAL ORDERS OF BUSINESS**

ITEM-30:    Approval of Council Minutes.

**TODAY'S ACTION IS:**

Approval of Council Minutes for the meetings of:

09/10/2001  
09/11/2001 Adjourned

## SPECIAL ORDERS OF BUSINESS

ITEM-31: David and Lesley Cohn Day.

(District-2.)

### COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-384)

Proclaiming October 1, 2001 as "David and Lesley Cohn Day," in the City of San Diego, in honor of their outstanding contributions to the City.

## SPECIAL ORDERS OF BUSINESS

ITEM-32: Resolution regarding "Hands Are Not For Hurting."

### CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-457)

Declaring that we should all join together, as a family, community, state, nation, and world by pledging both privately and publicly: "I will not use my hands or words for hurting myself or others."

## NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any

issue brought forth under "Non-Agenda Public Comment."

## **COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

## **REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

## **CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*). In addition, other items thought to be routine or non-controversial and without any "Request to Speak" slips in opposition may be taken as part of the Consent Agenda.

**PLEASE NOTE:** ITEMS PULLED FROM THE CONSENT AGENDA (ITEMS 100-111) WILL BE DISCUSSED FOLLOWING ACTION ON THE ADOPTION AGENDA (ITEMS 330-334).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

None.

ORDINANCES TO BE INTRODUCED:

None.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110 and 111.

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

\* ITEM-100: Drain Cleaner Truck - Ratify Award of Contract and Authorize Expenditure.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-357)

Awarding a contract to Dion International Trucks, Inc. for furnishing Drain Cleaner Trucks, as required for the period of April 21, 2001 through April 20, 2002, with options to renew for two additional one year periods, for a total estimated cost of \$2,318,157.98, including tax and terms;

Authorizing the expenditure of an amount not to exceed \$1,808,163.22 from Fund No. 500313, Department No. 8313, Organization No. 773, and Object Account No. 6013; \$370,905.28 from Fund No. 500318, Department No. 8318, Organization No. 940, and Object Account No. 6013; and \$139,089.48 from Fund No. 500333, Department No. 8333, Organization No. 773, and Object Account No. 6013;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-1936-99-Q)

**CITY MANAGER SUPPORTING INFORMATION:**

In April 1999, bids were opened for furnishing 10 Cubic Yard Drain Cleaner Trucks. Five (5) potential bidders were contacted and three (3) bids were received. Dion International Trucks, Inc., a San Diego based company, was awarded the contract. The original contract period was for one (1) year beginning April 21, 1999 through April 20, 2000. At the time of award, the estimated expenditure was below \$1,000,000.

Thus, Council approval was not requested. Since award of contract, the contract was renewed twice, in April 2000 and April 2001, with no increase and .6% price increase, respectively. The .6% price increase in April 2001 was passed on to the distributor, Dion International Trucks, Inc., from the manufacturer. This Fiscal Year, the City intends to purchase 10 Drain Cleaner Trucks with various optional equipment, which are like replacements for existing equipment, at a cost of \$2,318,157.98, including tax, which equates to an average cost of \$231,815.70 per truck.

Specifically, Metropolitan Wastewater Department, Wastewater Collections Division, currently has 18 Drain Cleaner Trucks in service which are five (5) to seven (7) years old. Due to the high maintenance of these vehicles, the useful life is approximately five (5) years. In order to address

issues related to maintaining over 3,000 miles of collection system, the dependability of cleaning equipment is of the utmost importance. Some of the vehicles currently in the fleet have five (5) cubic yard debris tanks. To improve the efficiency of collection when responding to sanitary overflows, the division requests Drain Cleaner Trucks with ten cubic yard debris tanks. Drain Cleaner Trucks with ten cubic yard debris tanks double the amount of storage when containing, controlling, and correcting a spill.

**FISCAL IMPACT:**

\$2,318,157.95 from Fiscal Year 2002 funds.

Loveland/Baldwin/PA

Aud. Cert. 2200297.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-101: 333 Coast Boulevard - Easement Acquisition.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-399)

Approving the acceptance of an easement deed of the 333 Coast Boulevard Owner's Association, donating to the City a communication antenna easement on a portion of Lots 5 through 11 in Block 16 of La Jolla Park, according to Map No. 352.

**CITY MANAGER SUPPORTING INFORMATION:**

Capital Improvement Project CIP-48-168.0, Telemetry Control Systems, is a City-wide project which provides for a centralized, automated, monitoring and control facility for the City's sewer system. From the central facility, engineers will have the ability to track data, and manipulate valves and equipment within the pump stations. Improved service and quick emergency response to the entire sewer system will be the ultimate result.

Pump Station 24, located immediately west of the subject property (333 Coast Boulevard), was

recently upgraded and equipped with the automated, remote-control devices. A necessary communication antenna was initially planned to be mounted on an existing streetlight pole, adjacent to the pump station.

However, the subject property owners approached the City, advised that the pole location disrupted the view shed, and offered to allow the City to mount the antenna equipment on the roof of their property.

City engineers studied the roof location, and determined that it actually allowed for improved reception. On the merits of a permit signed by the Owner's Association, the equipment was installed and is now in service.

This action will authorize acceptance of an easement in perpetuity to allow access to the equipment for future maintenance.

**FISCAL IMPACT:**

None. The affected property owners have elected to donate the required easement in exchange for the benefits to accrue to their property in the way of an improved view shed.

Herring/Griffith/SLG

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-102: City Fund for Advisory Boards Activities.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-442)

Authorizing the City Auditor and Comptroller, in cooperation with the Mayor's Office and the City Attorney, to create a separate special fund to receive, appropriate and disburse as designated by the donor(s), all contributions designated and received for the purposes of the Mayor's Advisory Boards;

Declaring that to the extent allowed by law, the City's procurement and expenditure policies may be waived in connection with funds received from private donations for the Advisory Boards.



**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-103: Traffic Signal at Carmel Country Road and Caminito Clasica.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-883)

Amending the Fiscal Year 2002 Capital Improvements Program budget by increasing CIP-62-275.0, Traffic Signals - FBA/PDIF Fund, in an amount not to exceed \$50,000;

Authorizing the appropriation and expenditure of an amount not to exceed \$50,000 from Fund 63022, Private and Other Contribution - CIP, to CIP-62-275.0, Traffic Signals - FBA/PDIF Fund, for the purpose of funding the construction of a Traffic Signal and Street Lighting System at Carmel Country Road and Caminito Clasica;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

In 1997, per Condition 25 of Vested Tentative Map VTM-96-0561, Pardee Construction paid \$50,000 fair share contribution for a future traffic signal at Carmel Valley Road and Caminito Clasica. This money was deposited in Fund 63022, Deposit Trust Fund. This project was included in the 2001 Capital Improvements Budget to be designed and constructed under CIP-62-275.0, Traffic Signals, FBA/PDIF Funded.

The Pardee contribution, however, was not added to the CIP at that time. This action is to authorize the transfer of \$50,000 from Fund 63022 to CIP-62-275.0 for the design and construction of traffic signals and street lighting systems at Carmel Country Road and Caminito Clasica.

**FISCAL IMPACT:**

The total cost of this project is \$100,000 of which \$50,000 is available in Fund 63022

(Developer Contribution) and \$50,000 is available in Fund 79010 (FBA).

Loveland/Belock/PKB

Aud. Cert. 2200229

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

\* ITEM-104: San Diego Liveable Community Initiative.

(See City Manager Report CMR-01-197.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-421)

Authorizing and empowering the City Manager to take the following actions:

1. Renew the Partnership Agreement between the City and the Department of Energy.
2. Resolve to develop an action plan to reduce greenhouse gas emissions.
3. Approve the components of the San Diego Liveable Community Initiative, as set forth in City Manager Report CMR-01-197.

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

\* ITEM-105: Time Warner Cable Television Franchise Fee Audit.

(See City Manager Report CMR-01-190. Districts-1, 2, 5, 6 and 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-348)

Authorizing the City Manager to accept the proposed compromised amount of \$82,210.18 and to execute a release agreement, if requested, with Time Warner Cable, based upon a dispute whether "Launch Fees" paid for programming support is subject to the 3 percent franchise fee on gross revenue received by the company.

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

\* ITEM-106: International Front Runners Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-432)

Recognizing the 15<sup>th</sup> annual International Front Runners organization, and welcoming them to America's Finest City;

Proclaiming October 4, 2001 to be "International Front Runners Day" in San Diego.

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

\* ITEM-107: Local Initiatives Support Corporation (LISC) Day.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-412)

Commending Local Initiatives Support Corporation for their contributions to the City of San Diego;

Proclaiming October 10, 2001 to be "Local Initiatives Support Corporation Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

\* ITEM-108: Two actions related to Advertising for Bids for South Pacific Highway Trunk Sewer and Water Group 535.

(See Frank Belock's 5/24/2001 memo, and Frequently Asked Questions About Group Jobs. Centre City Community Area. District-2.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-194 Cor. Copy)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of South Pacific Highway Trunk Sewer & Water Group 535 on Work Order No. 175781/184041;

Authorizing the City Manager to establish contract funding phases and execute a contract with the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases

are, or will be, on deposit with the City Treasury;

Authorizing the expenditure of an amount not to exceed \$2,889,000 for FY 2002 from Water Fund 41500, CIP-73-083.0, Annual Allocation-Water Main Replacement, Sub-CIP-73-852.1, and \$2,830,000 for FY 2002 from Sewer Fund 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K-02017C)

Subitem-B: (R-2002-193)

Certifying that Mitigated Negative Declaration LDR-40-0762 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines; declaring that the information contained in the report has been reviewed and considered by Council;

Approving the LDR Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Office of the County Clerk.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 5/30/2001, NR&C voted 3-0 to approve all projects. (Councilmembers Peters, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

The South Pacific Highway Trunk Sewer and Water Group 535 project is part of the continuing Annual Capital Improvements Program to replace old concrete sewer and cast iron water mains. This project is proposing to install approximately 4,018 feet of 33-inch trunk sewer and approximately 1,717 feet of 15-inch, 12-inch, 10-inch and 8-inch sewer main, and to replace 9,298 feet of existing 10-inch and 12-inch cast iron water main with 12-inch PVC water main.

This project is located within the Centre City community area. The design has been completed through coordination with the Centre City Development Corporation. The proposed sewer and water mains are located on Pacific Highway, West Ash Street, A Street, Broadway, Columbia Street, State Street, Kettner Boulevard, and West Harbor Drive. Traffic Control Plans in accordance with the City of San Diego's Traffic Signal Design & Traffic Control Section were

produced. Due to heavy traffic at the intersection of Grape Street and Pacific Highway, work at this area will be done at night, between 9:00 p.m. and 5:00 a.m. Per MTDB's requirement, construction at the areas adjacent to rail road tracks on West Ash Street, A Street, Broadway, and Kettner Boulevard will also be operated at night. On the other streets construction will be operated during the day, between 8:30 a.m. and 3:00 p.m., Monday to Friday.

Installation of the new trunk sewer and replacement of the deteriorated and undersized water main will provide the community with a safe and reliable sewer and water infrastructure. Residents will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the contractor through hand distribution.

**FISCAL IMPACT:**

The total estimated project cost is \$5,719,000. Funding in the amount of \$2,889,000 is available in FY 2001 and FY 2002 in Water Fund No. 41500, CIP-73-083.0, Annual Allocation-Water Main Replacement, and \$2,830,000 in FY 2001 and FY 2002 in Sewer Fund 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer, for this purpose. This project will be phase-funded.

Loveland/Belock/HR

WWF-01-500.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-109: Sewer Pipeline Rehabilitation in the Right-of-Way and Easements.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-327)

Amending the Capital Improvement Program budget by adding CIP-46-506.0, Pipeline Rehabilitation in the Right-of-Way, Phase A;

Authorizing the City Auditor and Comptroller to transfer the amount of \$1,924,557 within Fund No. 41506, from CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement, to CIP-46-506.0;

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Pipeline Rehabilitation in the Right-of-Way, Phase A Project, on Work Order No. 177291;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$13,878,000 to be expended as follows, and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure under established contract funding phases are, or will be, on deposit in the City Treasury:

\$13,253,000 from Sewer Fund No. 41506, CIP-46-506.0, Pipeline Rehabilitation in the Right-of-Way, Phase A, for project construction and related costs

\$625,000 from Sewer Fund No. 40506, CIP-46-193.0, Annual Allocation - CIP Contingencies, for project contingency

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02104)

#### **NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 9/19/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

#### **CITY MANAGER SUPPORTING INFORMATION:**

This request provides for authorization to advertise for bids and award of a contract to the lowest responsible bidder, based on the actual low bid submitted for the project. Also, this project was not included in the Fiscal Year 2002 CIP Budget, and authorization is requested to modify the FY 2002 CIP Budget to include this project.

Metropolitan Wastewater Department has identified the need to rehabilitate approximately 28.8 miles of existing clay pipe sanitary sewer lines ranging from 8 inches to 18 inches in diameter. The rehabilitation method uses a pipe liner, inserted into the sewer at the manholes, and then cured in place. Service connections are then opened and sealed with robotics. All service connections will be lined for approximately 8 to 12 inches from the sewer mainline.

Additionally, the manholes in need of repair will either be lined, using a similar material as used in the sewer main, or replaced, depending on their condition. For this contract, all manholes are located in the City's Right-of-Way, easements, or open space with vehicular access.

The lining of the sewer will help improve flow and eliminate future root intrusion through the pipe joints. This approach is faster and less expensive to complete than the traditional excavation and replacement method, and is also less disruptive than the construction associated with replacement. Rehabilitation of the pipes is one of the approaches the department is taking to prevent sewage spills and protect the environment.

The purpose of this project is to reduce maintenance requirements of the sewer, lessen community impacts from related activities, extend the service life of the sewer system and decrease the overall number of sewer spills. This contract is the first of several contracts to implement permanent solutions, which will further reduce sanitary sewer overflows.

**FISCAL IMPACT:**

The total cost of this action is \$13,878,000 of which \$1,804,144 is for Fiscal Year 2002, \$10,898,058 is for Fiscal Year 2003, and \$1,175,798 is for Fiscal Year 2004.

Loveland/Tulloch/ALM

Aud. Cert. 2200121.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-110: Mid-City Pipeline Project - Contract Change Order No. 7.

(See Larry Gardner's memo dated 7/10/2001. Mid-City and College Community Areas. Districts-3 and 7.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-229)

Approving Contract Change Order No. 7 to the Mid-City Pipeline Project;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$750,199.75 from Water Fund 41500, CIP-73-246.0, Mid-City Pipeline, for Contract Change Order No. 7, Class F Asphalt, and additional safety and City



Force work, provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$123,119 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, as follows: \$93,504 for Water Group Job 490A, CIP-73-849.8, and \$29,615 for Water Group Job 489A, CIP-73-849.7; provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to do by City Forces all the work as required in connection with the stand-by services, closing and opening valves, cut and plugs, installation of temporary valves and piping, and inspection, in an amount not to exceed \$202,221 as follows: \$92,221 in Water Fund 41500, CIP-73-246.0, Mid-City Pipeline, and \$110,000 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacements (\$90,000 in Water Group Job 490A and \$20,000 in Water Group Job 489A); for a total City Force authorization of \$510,000 for the Mid-City Pipeline Projects;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

#### **NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 7/18/2001, NR&C voted 4-0 to approve the projects as listed in Larry Gardner's 7/10/2001 memo. Any mandated completion due dates from the Department of Health Service Compliance Order should be included in future projects backup when applicable. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

#### **CITY MANAGER SUPPORTING INFORMATION:**

The Mid-City Pipeline (MCPL) Project will bring a needed backup supply of drinking water and improved water pressure to the communities of the Mid-City area. There is a significant need for the new infrastructure improvement as it will complement the only existing supply of water to the area, currently delivered by Trojan Pipeline, and improve water delivery reliability. The Trojan Pipeline, built in the 1950's, has never been out of service for inspection or routine maintenance.

During design, the City formed the MCPL Mitigation Monitoring Team (MMT) with representatives from business improvement districts, churches, schools, and Council Districts 3 and 7. The MMT began identifying associated impacts to the community and recommending feasible mitigation measures. Examples include requiring night time construction in business districts to avoid impacting traffic, no construction activity adjacent to schools while in session, and repaving El Cajon Boulevard curb-to-curb and curb-to-median within the Project limits at

the completion of the contract.

On May 24, 1999, the City Council approved R-291660 for advertisement for bids and construction of the Project, and on November 9, 1999, the Council approved R-292438 to award the construction contract to PCL Civil Constructors, Inc. The construction is about 70% complete and is expected to be finished by the Spring of 2002. Furthermore, the project was addressed in a Mitigated Negative Declaration (LDR No. 94-0236) and two Addenda to the Mitigated Negative Declaration (LDR Nos. 98-0539 and 98-1200).

The main alignment for the pipeline is El Cajon Boulevard, which is extremely old and congested with numerous underground utilities, many of which are missing from existing records. The existing condition of El Cajon Boulevard is also very fragile and has not been able to stand the impact of construction worsened by the past rainy season. The underground utility conflicts and deteriorating conditions of El Cajon Boulevard have all resulted in additional project costs for the contractor (i.e., additional temporary and permanent pavings and restoration of curbs and medians), design consultant, public outreach efforts, and the support from City Forces (i.e., inspection, stand-by services, closing and opening valves, temporary pipeline isolations, and installation of temporary valves and piping). The Water Department has already taken some actions such as directing the contractor to perform extra paving works on an emergency basis in response to complaints from traveling public and local communities and at the requests of Council offices.

Furthermore, in consideration of the Street Division's minimum standards for overlay pavement, Change Order No. 7 in the amount of \$388,380.42 is needed to compensate the contractor for a stronger and thicker mix.

The additional paving activities are needed to restore the driveability and safety of the streets within the work areas and to ameliorate any adverse effects to local businesses and residents. More support from City Forces is also necessary to resolve utility conflicts and changed conditions.

Support from City Forces is mostly needed at night and/or over weekends. Since work is ongoing and there have been immediate needs, use of City Forces will be timelier and more economical because they are familiar with the project and have the required equipment and expertise. The use of City Forces will also allow better coordination with Water Operations Division and will help minimize interruptions in water service. However, all these extra works require appropriation of additional funding to support the MCPL project budget for the successful completion of this contract.

### **FISCAL IMPACT:**

Funding in the amount of \$750,199.75 is available from CIP-73-246.0, Mid-City Pipeline and funding for Water Group Jobs 489A and 490A in the amount of \$123,119 is available from CIP-73-083.0, Annual Allocation - Water Main Replacements.

Loveland/Gardner/MML

Aud. Cert. 2200278.

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

- \* ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-329)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

**ADOPTION AGENDA, HEARINGS**  
**NOTICED HEARINGS:**

ITEM-330: Vacation of a Portion of Puterbaugh Street.

(Uptown Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-176)

Vacating a portion of Puterbaugh Street, as described in the legal description marked Exhibit "A," and shown on Drawing No. 19483-B marked Exhibit "B."

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a portion of Puterbaugh Street located in the Uptown Community Area within Council District 2. The street is unimproved and there are no plans to construct a street at this location. A general utility and access easement will be reserved over a portion of the area to be vacated. The applicant wishes to apply for a building permit and construct a two car garage over a portion of the vacated street. The Uptown Planners recommend approval of the street vacation unanimously on March 19, 2001. The street to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

**FINDINGS:** Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. It is unlikely that a street would be built at this location due to the steep terrain and the topography of the land.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land value will lead to higher property tax revenues.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program. The Community Planning Group recommends approval of the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. This street has limited use and will not be extended. There are no present or future plans to construct a street in this area and easements will be reserved for existing utilities.

**FISCAL IMPACT:**

None. All costs have been paid by the applicant.

Loveland/Haase/AA

**NOTE:** This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

**ADOPTION AGENDA, HEARINGS**

**NOTICED HEARINGS:**

ITEM-331: Vacation of a Portion of Palm Street.

(Uptown Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-267)

Vacating a portion of Palm Street, as described in the legal description marked Exhibit "A," and shown on Drawing No. 19411-B marked Exhibit "B."

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a portion of Palm Street in the Uptown Community Area within Council District 2. The applicant wishes to fence and landscape the area being vacated. That portion of Palm Street is currently unimproved and there are no plans to improve the street due to the steep terrain. The Uptown Planners recommend approval of the street vacation by a vote of 13-0-1. The street to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

**FINDINGS:** Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. It is unlikely that a street would be built at this location due to the steep terrain and the topography of the land.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The vacation of the land will lead to higher property tax revenues.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan, or Local Coastal Program. Uptown Planners supports the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be

detrimentally affected by the street vacation. There are no present or future plans to construct a street in this area.

**FISCAL IMPACT:**

None. All costs have been paid by the applicant.

Loveland/Haase/AA

**NOTE:** This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

**ADOPTION AGENDA, HEARINGS**

**NOTICED HEARINGS:**

ITEM-332: Amendment to Volume 1 of the Land Development Manual to include Project Submittal Requirements.

Matter of approving, conditionally approving, modifying or denying the Land Development Manual - Project Submittal Requirements.

(City-wide.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-335)

Adoption of a Resolution approving Project Submittal Requirements for the Land Development Manual.

**COMMITTEE ACTION:**

Reviewed by Land Use and Housing Committee on 3/28/2001. Motion to approve the City Manager's recommendation on consent. Districts 1, 2, 3 and 5 voted yea. District 4 absent.

**OTHER RECOMMENDATIONS:**

The Planning Commission, on March 22, 2001, voted 6 - 0 to recommend to the City Council that they approve this project. No one present to speak in favor or in

opposition.

Ayes: Steele, Anderson, Brown, Butler, Garcia, Skorepa

Not present: Stryker

### **SUPPORTING INFORMATION:**

Project Submittal Requirements were created to provide staff and the decision maker (City Council, Planning Commission, etc.) with enough information to determine a project's compliance with City regulations and land use policies. With the adoption of the Land Development Code, the number of permit types were reduced and new permit types were created. Prior to the Land Development Code going into effect, project submittal requirements for development were found in various sections of the Municipal Code, in numerous public information bulletins, in a variety of guidelines and in multiple submittal manuals used in different City staff work groups. To address these changes in the code and to consolidate the submittal requirements, a draft of the Project Submittal Requirements was created. Along with a comprehensive overview of the submittal process existing requirements were combined, format and terminology were made consistent, and unnecessary and redundant requirements were eliminated to create the draft.

Planning Commission Recommendation: On March 22, 2001, the Planning Commission voted (6-0) to recommend City Council approval of the Project Submittal Requirements.

Committee on Land Use and Housing Recommendation: On March 28, 2001 the Committee on Land Use and Housing recommended that City Council approve the Project Submittal Requirements amending Volume 1 of the Land Development Manual to consolidate all project submittal requirements for development activities in the City of San Diego.

Other Recommendations: A draft of these submittal requirements have been in use since the effective date of the Land Development Code on January 3, 2000. Over the past year, staff collected suggested revisions from project customers and City staff and have incorporated those changes into the revised Project Submittal Requirements being proposed for approval. In addition, staff has held public forums on the proposed revisions on February 21, 2001 and March 21, 2001 (over 120 attendees). On May 30, 2001 a public forum was held for members of the Community Planning Groups for the City of San Diego. The forum was attended by 26 people representing 22 of the Community Planning Groups for the City of San Diego.

Manager's Recommendation: Approve the Project Submittal Requirements amending Volume 1 of the Land Development Manual to consolidate all project submittal requirements for development activities in the City of San Diego.

### **FISCAL IMPACT:**

Consolidating the project submittal requirements for all projects will help both customers and staff save time in the submittal and project review process. By helping staff to receive better

submittals at the beginning of a project review and clearly informing customers of what the City considers a complete application, the submittal process will be more consistent and predictable. For some projects, this could result in a reduction in the number of project review cycles and thus, reduce a customer's time and costs in the review process.

Loveland/Christiansen/JS

**NOTE:** This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(3).

#### **ADOPTION AGENDA, HEARINGS**

##### **NOTICED HEARINGS:**

ITEM-333: Three actions related to Rancho Encantada - FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report 01-163; Public Facilities Financing Plan and FBA, Fiscal Year 2002, August 2001 Final Draft. Rancho Encantada Community Area. District-7.)

NOTE: This item was re-noticed from the adjourned meeting of 9/11/01, Item 330.

#### **CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-253)

Designating an area of benefit in Rancho Encantada and the boundaries thereof; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto; and ordering of proposed Public Facilities Project in the matter of Rancho Encantada Facilities Benefit Assessment Area.

Subitem-B: (R-2002-254)

Declaring that the assessment fee schedule contained in the Rancho Encantada



Public Facilities Financing Plan, Fiscal Year 2002, as adopted and approved on August 7, 2001, by Resolution No. R-295399, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Rancho Encantada Community;

Declaring that the Docket Supporting Information and the text contained in the Rancho Encantada Public Facilities Financing Plan, Fiscal Year 2002, are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed;
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Subitem-C: (R-2002-255)

Authorizing the City Auditor and Comptroller to establish the Rancho Encantada Facilities Benefit Assessment Fund.

#### ADOPTION AGENDA, HEARINGS

##### NOTICED HEARINGS:

ITEM-334: Two actions related to Proposed Amendments to the Centre City Community Plan and Planned District Ordinance to Eliminate the Required 15-Foot View Corridor Setback along Broadway East of Columbia.

(See CCDC Report dated 8/23/2001. Centre City Redevelopment Project Area. District-2.)

(Renoticed from the adjourned meeting of September 11, 2001, Item 331.)

#### CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2002-22)

Introduction of an Ordinance amending Chapter 10, Article 3, Division 19, of the San Diego Municipal Code by amending Table 2 of Section 103.1915, View Corridors, and by amending Figure 7 titled View Corridor Setbacks, all relating to Property Development Regulations in the Centre City Planned District.

Subitem-B: (R-2002-266)

Approving the Broadway Amendment to the Centre City Community Plan relating to View Corridors.

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

**ITEM-350: SUBMISSION OF BALLOT PROPOSALS**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

| <u>DAY</u> | <u>DATE</u> | <u>DAYS<br/>BEFORE<br/>ELECTION</u> | <u>EVENT</u>   |
|------------|-------------|-------------------------------------|--|
| Friday     | 9/14/2001   | 127                                 | LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee                               |
| Wednesday  | 9/26/2001   | 160                                 | Rules Committee Review   |
| Tuesday    | 10/23/2001  | 133                                 | LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket |
| Monday     | 10/29/2001  | 127                                 | Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee   |

|          |            |     |  |
|----------|------------|-----|--|
| Monday   | 11/05/2001 | 120 | Council adopts propositions for ballot;  |
|          | through    | to  | directs City Attorney to prepare   |
| Tuesday  | 11/20/2001 | 105 | ordinances   |
| Monday   | 11/26/2001 | 99  | Council adopts ordinances prepared by City Attorney                            |
| Friday   | 12/07/2001 | 88  | Last day for City Clerk to file with Registrar of Voters all election material |
| Thursday | 12/20/2001 | 75  | Last day to file ballot arguments with City Clerk                              |

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

#### ITEMS PULLED FROM CONSENT AGENDA

#### NON-DOCKET ITEMS

#### ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

#### ADJOURNMENT



THE CITY OF SAN DIEGO  
**MANAGER'S REPORT**

DATE ISSUED: August 1, 2001 REPORT NO. 01-163

ATTENTION: Honorable Mayor and City Council  
Docket of August 7, 2001

SUBJECT: Rancho Encantada Public Facilities Financing Plan and Facilities Benefit Assessment

REFERENCE: "Rancho Encantada Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2002," July 2001 Draft.

**SUMMARY**

Issues: 1) Should the Council adopt the Rancho Encantada Public Facilities Financing Plan (PFFP) for Fiscal Year 2002, 2) adopt a Resolution of Intention to designate an area of benefit for Facilities Benefit Assessments (FBA) in Rancho Encantada, 3) adopt a Resolution of Designation, 4) approve the setting of Development Impact Fees (DIF) consistent with the FBA in Rancho Encantada, and 5) Establish the Rancho Encantada Facilities Benefit Assessment Fund?

Manager's Recommendation: Adopt the five resolutions.

Planning Commission Recommendation: None.

Community Planning Group Recommendation: There is no established planning group in Rancho Encantada. The communities of Scripps Ranch and Miramar Ranch North are located adjacent to Rancho Encantada. They have reviewed the project and provided their specific recommendations.

Environmental Impact: The City of San Diego, as lead agency, has prepared and completed Environmental Impact Report (EIR) No. 99-1094 and Mitigation, Monitoring, and Reporting Program for the Rancho Encantada Precise Plan, which covers this action. The City Council shall review and consider the previously certified EIR prior to adoption of the Resolution of Intention.

Fiscal Impact: Approval of the PFFP will provide the framework to assure that needed public facilities for Rancho Encantada will be funded by new development and provided as needed.

Code Enforcement Impact: None by this action.

Business Impact Statement: The proposed assessments are to assure the funding for the needed public facilities. Failure to assure the required infrastructure would have an adverse impact on the development of the area.

## DISCUSSION

This is the first Public Facilities Financing Plan for the Rancho Encantada area. The plan details the public facilities that will be needed through the ultimate development of the area which is presently estimated to be the year 2008. Rancho Encantada has not yet begun development, all of the community facilities are yet to be provided. This plan contains the detail on all of the public infrastructure needed in the area, including information on funding and timing. Some of the projects listed also serve the adjacent planning areas. It should be noted that some of these cost allocations may require adjustment in future updates of all the affected financing plans as development proceeds.

The current draft PFFP for Rancho Encantada identifies total project needs of \$25,532,800, broken down as follows:

| <u>Amount</u> | <u>Funding Source</u> | <u>Percentage of Total</u> |
|---------------|-----------------------|----------------------------|
| \$ 9,525,880  | Assessments (FBA)     | 37%                        |
| \$ 16,006,920 | Subdividers           | 63%                        |

The proposed assessments for Fiscal Year 2002 are as follows:

|                               |           |
|-------------------------------|-----------|
| Single-family dwelling unit   | \$ 13,260 |
| Multi-family dwelling unit    | \$ 9,282  |
| Institutional per square foot | \$ 5,917  |

The proposed assessments for Fiscal Year 2002 are based on estimated costs of facilities to be funded by this program, increased by an inflation factor of 5 percent to the year of construction. It also takes into account cash on hand using a 5 percent interest rate. The goal of the FBA is to insure that funds will be available in sufficient amounts to provide community facilities when programmed.

Council has previously directed that the same assessment rates are appropriate Development Impact Fees for all properties in Rancho Encantada that have never been assessed or otherwise

agreed to pay Facilities Benefit Assessments. Therefore, it is recommended that the above proposed Fiscal Year 2002 Assessments also be adopted as Development Impact Fees for Rancho Encantada. The Facilities Benefit Assessment will be collected at the building permit issuance stage of development and deposited into special interest earning accounts for Rancho Encantada. Annually the Council receives a status report on the program and authorizes the appropriation of funds for construction of facilities which are programmed for the next fiscal year in the Capital Improvements Program budget.

The proposed Resolution of Intention will set a date for a public hearing on the Facilities Benefit Assessment. Prior to the public hearing, mailed notice will be given to all property owners within the proposed area of designation of the date of the hearing and their right to file a protest with the City Clerk prior to the start of the hearing. Notice will also be given by publication of the Resolution of Intention in the City's official newspaper. Unless overruled by a four-fifths vote of the Council, written protests by owners of more than one-half of the area of the property proposed to be included within the Area of Benefit shall cause the proceedings to be abandoned. A letter advising of today's meeting was mailed to all property owners as shown on the proposed assessment roll, or otherwise known to staff.

#### ALTERNATIVES

Do not approve the proposed Public Facilities Financing Plan and Facilities Benefit Assessment or the setting of Development Impact Fees. This is not recommended because the new fees will insure that new development contributes its proportional share for new facilities identified in the precise plan. In the absence of these fees, alternative sources would have to be identified to fund the share of the identified facilities attributable to new development.

Respectfully submitted,

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S. Gail Goldberg  
Planning Director

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Approved: P. Lamont Ewell  
Assistant City Manager

GOLDBERG/GH

Note: The attachment is not available in electronic format. A copy is available for review in the Office of the City Clerk

Attachment: 1. Draft FY 2002 Rancho Encantada Public Facilities Financing Plan, July 2001